

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-7, 9, 11-19, and 22-25 are pending. Claims 1-3, 11, and 14 are amended. Claims 22-25 are newly added. Support for the amendments to Claims 1-3, 11, and 14 and for new added Claims 22-25 can be found in Fig. 2, for example. No new matter is added.

In the outstanding Office Action, the allowability of Claims 1-7, 9, and 11-19 was withdrawn. Claim 9 was rejected under 35 U.S.C. § 101 as a substantial duplicate of Claim 2. Claims 1 and 18 were rejected under 35 U.S.C. § 102(b) as anticipated by Garrett (U.S. Patent No. 3,682,181, herein "Garrett"). Claims 2-7, 9, 11-17, and 19 were rejected under 35 U.S.C. § 103(a) as obvious over Garrett.

At the outset, Applicants note with appreciation the courtesy of a personal interview granted by Examiner Comstock to Applicants' representative. In combination with the Interview Summary provided by Examiner Comstock, the substance of the personal interview is provided below in accordance with MPEP § 713.04.

Regarding the rejection of Claim 9 under 35 U.S.C. § 101 as a substantial duplicate of Claim 2, that rejection is respectfully traversed by the present response.

Claim 2 is amended to recite that the plurality of heating parts are separated from each other by at least one empty space. Accordingly, Applicants respectfully submit that Claim 2 is not a substantial duplicate of Claim 9, and the rejection of Claim 9 is overcome.

Regarding the rejection of Claims 1 and 18 as anticipated by Garrett and the rejection of Claims 2-7, 9, 11-17, and 19 as obvious over Garrett, those rejections are respectfully traversed by the present response.

Amended independent Claim 1 recites, in part:
wherein the hair warming tool includes an outermost base sheet adapted to contact said tied hair when in the wrapping state, said outermost base sheet comprising a water resistant material, said outermost base sheet

being non-removably attached to said hair warming tool and the margin includes a seal at an outer perimeter of the margin, and the margin further includes a portion between the seal and the heating part, the portion including a first sheet separated from the outermost base sheet by an air gap.

Accordingly, the margin includes a seal at an outer perimeter of the margin. A portion between the seal and the heating part includes a first sheet separated from the outermost sheet by an air gap.

The outstanding Office Action relies on the synthetic resin strip (8) for the feature of the margin recited in independent Claim 1.¹ However, as discussed during the personal interview, the synthetic resin strip (8) does not include an air gap between a seal and a heating part as recited in amended independent Claim 1. Accordingly, as discussed during the personal interview, amended independent Claim 1 patentably distinguishes over Garrett for at least the reasons discussed above.

Each of amended independent Claims 3, 11, and 14 recites substantially similar features to those discussed above regarding amended independent Claim 1, but in method format. Accordingly, Applicants respectfully submit that amended independent Claims 3, 11, and 14 patentably distinguish over Garrett for at least the same reasons as amended independent Claim 1 does.

Claims 2, 4, 5-7, 12, 13, and 15-19 each depend from one of amended independent Claims 1, 3, 11, and 14 and patentably distinguish over Garrett for at least the same reasons as the independent claims do.

Newly added Claims 22-25 each depend from amended independent Claim 1 and patentably distinguish over Garrett for at least the same reasons as amended independent Claim 1 does. Additionally, as discussed during the personal interview, each of newly added Claims 22-25 recites other features not taught or suggested by Garrett.

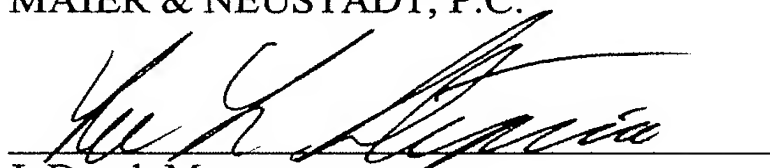
¹ Outstanding Office Action, page 3.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 1-7, 9, 11-19, and 22-25 is earnestly solicited.

Should Examiner Comstock deem that any further action is necessary to place this application in even better form for allowance, he is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



J. Derek Mason
Attorney of Record
Registration No. 35,270

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Lee L. Stepina
Registration No. 56,837